

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC., et al.,)
)
Plaintiffs,)
)
v.)
)
)

C.A. No. 08-021 (GMS) (LPS)
CONSOLIDATED

COBALT LABORATORIES INC., et al.,)
)
)
Defendants.)

FOREST LABORATORIES, INC., et al.,)
)
Plaintiffs,)
)
v.)
)
)
BARR LABORATORIES, INC., et al.,)
)
)
Defendants.)

C.A. No. 08-022 (GMS) (LPS)

FOREST LABORATORIES, INC., et al.,)
)
Plaintiffs,)
)
v.)
)
)
DR. REDDY'S LABORATORIES, INC., et)
al.,)
)
Defendants.)

C.A. No. 08-052 (GMS) (LPS)

FOREST LABORATORIES, INC., et al.,)
)
Plaintiffs,)
)
v.)
)
)
ORGENUS PHARMA INC.,)
)
)
Defendant.)

C.A. No. 08-291 (GMS) (LPS)

FOREST LABORATORIES, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-336 (GMS) (LPS)
)	
APOTEX INC., et al.,)	
)	
Defendants.)	

**PLAINTIFFS' RULE 30(b)(6) NOTICE OF DEPOSITION FOR
ORGENUS IN CONNECTION WITH JURISDICTIONAL DISCOVERY**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6), Fed. R. Civ. P., and the parties' Stipulated Jurisdictional Discovery Schedule, Plaintiffs Forest Laboratories, Inc., Forest Laboratories Holdings, Ltd., Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH ("Plaintiffs") will take the deposition upon oral examination of Defendant Orgenus Pharma, Inc. ("Orgenus") regarding the subject matter set forth in the attached Schedule A.

This deposition will begin at 9:30 a.m. on August 8, 2008 at the offices of Kirkland & Ellis LLP, Citigroup Center, 153 E. 53rd Street, New York, New York, or at such other time and place as may be agreed upon by counsel in writing. The examination will be taken before an officer authorized to administer oaths pursuant to Rule 28, Fed. R. Civ. P., and will continue from day to day until completed. The testimony at the deposition will be recorded by videographic and stenographic means.

In accordance with Rule 30(b)(6), Fed. R. Civ. P., Orgenus shall designate one or more officers, directors, managing agents or other persons who consent to testify on its behalf as to each of the topics set forth in the attached Schedule A. Plaintiffs request that Orgenus provide

counsel for Plaintiffs with the identity and *curriculum vitae* of each of the individual(s) who will testify regarding each topic at least four business days in advance of the deposition.

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July 7, 2008

SCHEDULE A**Definitions and Instructions**

The definitions set forth in Plaintiffs' Requests for the Production of Documents and Things in Connection with Jurisdictional Discovery from Orgenus are hereby incorporated by reference.

Topics of Examination

1. Any activities of Orgenus occurring in Delaware from 2002 to present.
2. Any contractual, employment or business relationship between Orgenus and any person or entity located or incorporated in Delaware.
3. Orgenus' participation in the development of any product offered for sale in the United States, including Delaware, from 2002 until the present.
4. Any sale, offer for sale, or distribution of any product or service by or on behalf of Orgenus to any entity that resells, distributes or otherwise delivers the product or service in the United States, including Delaware, from 2002 until the present.
5. Any advertisements, promotions, marketing, sales calls or other solicitations of business by or on behalf of Orgenus, in the United States, including in Delaware, from 2002 until the present.
6. The identity and volume, in dollar, unit and percentage amounts, of any products sold, distributed, imported, dispensed or otherwise handled in the United States by or on behalf of Orgenus, including in Delaware, from 2002 until the present.
7. Orgenus' expectations or projections for sales of the generic product defined by Abbreviated New Drug Application ("ANDA") No. 90-044 in the United States, including in Delaware.

8. Any property, office space, industrial space, warehouse space or tangible items that Orgenus has owned or leased in Delaware from 2002 until the present, and the use of such property.

9. Any registration, license or permit, or application therefore, by Orgenus with or to any Delaware governmental entity.

10. Any agreements or contracts entered into between Orgenus and any person or entity located or incorporated in Delaware.

11. Any purchases by Orgenus from vendors or suppliers located or incorporated in Delaware.

12. Any seminars, trade shows, conferences, conventions, symposia or meetings that Orgenus or its employees or agents have attended in Delaware from 2002 until the present.

13. Any Medicaid payments that have been tendered directly or indirectly to Orgenus in consideration for the sale of any Orgenus product or service in Delaware from 2002 until the present.

14. The corporate relationship between and among Orgenus, Orchid India and Orchid Pharma.

15. The relationship between Orgenus and any subsidiaries or other affiliated companies incorporated or with a principal place of business in Delaware.

16. The preparation and submission of Abbreviated New Drug Application ANDA No. 90-044 and its concurrent Paragraph IV certification.

17. Orgenus' pre-suit knowledge of any Plaintiff or the NAMENDA® brand memantine products.

18. Orgenus' expectations of, or preparations for, being sued by Plaintiff for patent infringement in response to ANDA No. 90-044 and its concurrent Paragraph IV certification.

19. Any activities associated with Orgenus' role as an "importer of record" for Orchid India, as that phrase was used by Dr. C.B. Rao during his June 13, 2008 deposition. (Rao Dep. Tr. 25:25-26:20, 51:20-52:11, 58:7-11, 147:9-23.)

20. Any activities associated with Orgenus acting as "a U.S. filing agent, an agent for Orchid India," as that phrase was used by Dr. C.B. Rao during his June 13, 2008 deposition. (Rao Dep. Tr. 25:25-26:17, 51:20-52:11, 147:9-23.)

21. Orgenus' efforts to introduce Orchid India "to potential distribution partners" and to introduce "distributor[s]" to Orchid India, as those phrases were used by Dr. C.B. Rao during his June 13, 2008 deposition. (Rao Dep. Tr. 58:12-21, 58:24-59:6.)

22. Any and all sources of revenue for Orgenus, including but not limited to capitalization.

23. Payments or other transfers of money between and among Orgenus, Orchid India and Orchid Pharma.

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to::

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I further certify that I caused to be served copies of the foregoing document on July 7, 2008 upon the following in the manner indicated:

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